

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, et al.,

Plaintiffs,

v.

JOSHUA MAST, et al.,

Defendants.

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Case No. 3:22-cv-49-NKM-JCH

MOTION FOR LEAVE TO FILE POST-HEARING SUPPLEMENTAL BRIEF

NOW COMES, the third-party intervenor, Mr. JONATHAN MAST, by and through counsel, and respectfully moves for this honorable Court to GRANT this motion for leave to file a supplemental post-hearing brief to the Plaintiffs' Motion for a Show Cause requesting this court to hold Mr. Mast in civil contempt of this Court's protective order. This motion for leave to file such brief is unopposed. In furtherance of this Motion, Mr. Mast states the following:

1. Mr. Jonathan Mast is not a party to this suit.
2. The Plaintiffs' moved for Mr. Jonathan Mast, a non-party to this suit, and the Defendant, Mr. Joshua Mast, to show cause as to why Mr. Jonathan Mast and Defendant Joshua Mast should not be held in civil contempt for violation of this Court's previously issued protective order.
3. On May 1, 2024, the undersigned counsel for Mr. Mast was notified that a hearing was scheduled for this matter.
4. At that time, the undersigned had not been retained to represent Mr. Mast before this Court but solely for the purposes of appearing during his prior deposition upon subpoena by the Plaintiffs.

5. On May 17, 2024, the Plaintiffs served the undersigned counsel with a copy of their pre-hearing brief and invited the undersigned to enter an appearance before the hearing so that he could receive the sealed exhibits
6. Prior to such notification, Mr. Mast had not formally retained counsel for representation before this Court.
7. On May 21, 2024, the undersigned was retained to represent Mr. Jonathan Mast for representation before this Court.
8. Due to the timing of receipt of the pre-hearing brief and being retained for this matter, and due to previously scheduled deadlines and matters in other courts, the undersigned did not prepare or file a pre-hearing brief to address Mr. Jonathan Mast's objections to the Plaintiffs' motion to show cause and hold him in contempt.
9. On May 29, 2024, this Court held a hearing in which Mr. Jonathan Mast and his undersigned counsel were present.
10. At such hearing, the Court requested for oral argument from Jonathan Mast and the undersigned addressed the Court and presented oral argument in opposition to the Plaintiffs' motion.
11. On May 30, 2024, the undersigned filed his notice of appearance in this matter.
12. Mr. Jonathan Mast now respectfully requests for leave of Court to file a post-hearing brief no later than Tuesday, June 4, 2024 to submit a memorandum of law in support of his opposition to the Plaintiffs' motion.
13. Opposing counsel has been contacted and does not oppose this motion.

14. Leave to file such a post-hearing brief will advance the ends of justice, assist the Court, and preserve Mr. Mast's arguments by presenting supporting case law and argument for the record.

15. Should the Court grant Mr. Jonathan Mast's motion to file a post-hearing brief, Plaintiffs also ask for leave to file a reply to such brief no later than seven days after and Mr. Jonathan Mast has not opposition to such request by the Plaintiffs.

WHEREFORE, Mr. JONATHAN MAST, does hereby respectfully request for this honorable Court to GRANT this Motion and ORDER that he is granted leave to file a post-hearing supplemental brief in opposition to the Plaintiffs' motion by Tuesday, June 4, 2024.

Respectfully submitted,

_____/s_____
Elliott M. Harding, Esq.
VSB No. 90442
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing notice of appearance was filed this 30th day of May, 2024 to the Court and notice of such filing is provided to all counsel of record via the Court's ECF notification system.

Respectfully submitted,

_____/s_____
Elliott M. Harding, Esq.
VSB No. 90442
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